

FRIEND OF THE COURT ACT (EXCERPT)
Act 294 of 1982

552.501 Short title; purposes and construction of act.

Sec. 1. (1) This act shall be known and may be cited as the “friend of the court act”.

(2) The purposes of this act are to enumerate and describe the powers and duties of the friend of the court and the office of the friend of the court; to ensure that procedures adopted by the friend of the court will protect the best interests of children in domestic relations matters; to encourage and assist parties voluntarily to resolve contested domestic relations matters by agreement; to compel the enforcement of parenting time and custody orders; and to compel the enforcement of support orders, ensuring that persons legally responsible for the care and support of children assume their legal obligations and reducing the financial cost to this state of providing public assistance funds for the care of children. This act shall be construed to promote the enumerated purposes and to facilitate the resolution of domestic relations matters.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996.

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552.502 Definitions; B to I.

Sec. 2. As used in this act:

- (a) “Bureau” means the state friend of the court bureau created in section 19.
- (b) “Centralizing enforcement” means the process authorized under section 10 of the office of child support act, 1971 PA 174, MCL 400.240.
- (c) “Chief judge” means the following:
 - (i) The circuit judge in a judicial circuit having only 1 circuit judge.
 - (ii) Except in the county of Wayne, the chief judge of the circuit court in a judicial circuit having 2 or more circuit judges.
 - (iii) In the county of Wayne, the executive chief judge of the circuit court in the third judicial circuit.
- (d) “Citizen advisory committee” means a citizen friend of the court advisory committee established as provided in section 4.
- (e) “Consumer reporting agency” means a person that, for monetary fees or dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties, and that uses any means or facility of interstate commerce for the purpose of preparing or furnishing consumer reports. As used in this subdivision, “consumer report” means that term as defined in section 603 of the fair credit reporting act, title VI of the consumer credit protection act, Public Law 90-321, 15 USC 1681a.
- (f) “County board” means the county board of commissioners in the county served by the office. If a judicial circuit includes more than 1 county, action required to be taken by the county board means action by the county boards of commissioners for all counties composing that circuit.
- (g) “Court” means the circuit court.
- (h) “Current employment” means employment within 1 year before a friend of the court request for information.
- (i) “Custody or parenting time order violation” means an individual’s act or failure to act that interferes with a parent’s right to interact with his or her child in the time, place, and manner established in the order that governs custody or parenting time between the parent and the child and to which the individual accused of interfering is subject.
- (j) “De novo hearing” means a new judicial consideration of a matter previously heard by a referee.
- (k) “Department” means the family independence agency.
- (l) “Domestic relations matter” means a circuit court proceeding as to child custody or parenting time, or child or spousal support, that arises out of litigation under a statute of this state, including, but not limited to, the following:
 - (i) 1846 RS 84, MCL 552.1 to 552.45.
 - (ii) The family support act, 1966 PA 138, MCL 552.451 to 552.459.
 - (iii) Child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.
 - (iv) 1968 PA 293, MCL 722.1 to 722.6.
 - (v) The paternity act, 1956 PA 205, MCL 722.711 to 722.730.
 - (vi) Revised uniform reciprocal enforcement of support act, 1952 PA 8, MCL 780.151 to 780.183.

(vii) Uniform interstate family support act, 1996 PA 310, MCL 552.1101 to 552.1901.

(m) "Domestic relations mediation" means a process by which the parties are assisted by a domestic relations mediator in voluntarily formulating an agreement to resolve a dispute concerning child custody or parenting time that arises from a domestic relations matter.

(n) "Friend of the court" means the person serving under section 21(1) or appointed under section 23 as the head of the office of the friend of the court.

(o) "Friend of the court case" means a domestic relations matter that an office establishes as a friend of the court case as required under section 5a. The term "friend of the court case", when used in a provision of this act, is not effective until on and after December 1, 2002.

(p) "Income" means that term as defined in section 2 of the support and parenting time enforcement act, 1982 PA 295, MCL 552.602.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 1998, Act 63, Eff. Aug. 10, 1998;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 210, Eff. Oct. 1, 2004.

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FRIEND OF THE COURT ACT (EXCERPT)

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552.503 Office of the friend of the court; creation in judicial circuit; exception; separate office in county; vacancy; merger; head of office as friend of the court; friend of the court as employee of circuit court; performance of duties; office procedures; availability of services to public.

Sec. 3. (1) There is created in each judicial circuit of this state an office of the friend of the court, except as provided in subsection (2).

(2) If each county in a multicounty judicial circuit has a separate office of the friend of the court on the day before the effective date of this act, each county in that circuit shall have a separate office of the friend of the court on the effective date of this act. If a vacancy occurs in the position of the friend of the court in such a county, the chief judge may merge the office of the friend of the court in that county with the office of the friend of the court in another county of the judicial circuit.

(3) The head of each office is the friend of the court serving under section 21(1) or appointed according to section 23.

(4) The friend of the court is an employee of the circuit court in the judicial circuit served by the friend of the court.

(5) The duties of the office shall be performed under the direction and supervision of the chief judge.

(6) Except as otherwise required by federal law on cases that are eligible for funding under title IV-D, the friend of the court is only required to perform activities under this act or the support and parenting time enforcement act when a party in that case has requested title IV-D services.

(7) Each friend of the court shall take all necessary steps to adopt office procedures to implement this act, the Michigan court rules, and the recommendations of the bureau. Office of the friend of the court duties shall be performed in accordance with the Elliott-Larsen civil rights act, 1976 PA 453, MCL 37.2101 to 37.2804.

(8) An office of the friend of the court shall be open to the public making available all of the office's services not less than 20 hours each month during nontraditional office hours. This subsection does not require an office of the friend of the court to be open for a greater number of hours than it was required to be open before January 1, 1997.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 365, Eff. Jan. 1, 1997;—Am. 2004, Act 210, Eff. Oct. 1, 2004.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

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552.505 Duties of friend of the court; failure of party to attend scheduled meeting.

Sec. 5. (1) Each office of the friend of the court has the following duties:

(a) To inform each party to the domestic relations matter that, unless 1 of the parties is required to participate in the title IV-D child support program, they may choose not to have the office of the friend of the court administer and enforce obligations that may be imposed in the domestic relations matter.

(b) To inform each party to the domestic relations matter that, unless 1 of the parties is required to participate in the title IV-D child support program, they may direct the office of the friend of the court to close the friend of the court case that was opened in their domestic relations matter.

(c) To provide an informational pamphlet, in accordance with the model pamphlet developed by the bureau, to each party to a domestic relations matter. The informational pamphlet shall explain the procedures of the court and the office; the duties of the office; the rights and responsibilities of the parties, including notification that each party to the dispute has the right to meet with the individual investigating the dispute before that individual makes a recommendation regarding the dispute; the availability of and procedures used in domestic relations mediation; the availability of human services in the community; the availability of joint custody as described in section 6a of the child custody act of 1970, 1970 PA 91, MCL 722.26a; and how to file a grievance regarding the office. The informational pamphlet shall be provided as soon as possible after the filing of a complaint or other initiating pleading. Upon request, a party shall receive an oral explanation of the informational pamphlet from the office.

(d) To make available to an individual form motions, responses, and orders for requesting the court to modify the individual's child support, custody, or parenting time order, or for responding to a motion for such a modification, without assistance of legal counsel. The office shall make available instructions on preparing and filing each of those forms and instructions on service of process and on scheduling a modification hearing.

(e) To inform the parties of the availability of domestic relations mediation if there is a dispute as to child custody or parenting time.

(f) To inform the parents of the availability of joint custody as described in section 6a of the child custody act of 1970, 1970 PA 91, MCL 722.26a, if there is a dispute between the parents as to child custody.

(g) To investigate all relevant facts, and to make a written report and recommendation to the parties and to the court regarding child custody or parenting time, or both, if there is a dispute as to child custody or parenting time, or both, and domestic relations mediation is refused by either party or is unsuccessful, or if ordered to do so by the court. The investigation may include reports and evaluations by outside persons or agencies if requested by the parties or the court, and shall include documentation of alleged facts, if practicable. If requested by a party, an investigation shall include a meeting with the party. A written report and recommendation regarding child custody or parenting time, or both, shall be based upon the factors enumerated in the child custody act of 1970, 1970 PA 91, MCL 722.21 to 722.31.

(h) To investigate all relevant facts and to make a written report and recommendation to the parties and their attorneys and to the court regarding child support, if ordered to do so by the court. The written report and recommendation shall be placed in the court file. The investigation may include reports and evaluations by outside persons or agencies if requested by the parties or the court, and shall include documentation of alleged facts, if practicable. If requested by a party, an investigation shall include a meeting with the party. The child support formula developed by the bureau under section 19 shall be used as a guideline in recommending child support. The written report shall include the support amount determined by application of the child support formula and all factual assumptions upon which that support amount is based. If the office of the friend of the court determines from the facts of the case that application of the child support formula would be unjust or inappropriate, the written report shall also include all of the following:

(i) An alternative support recommendation.

(ii) All factual assumptions upon which the alternative support recommendation is based, if applicable.

(iii) How the alternative support recommendation deviates from the child support formula.

(iv) The reasons for the alternative support recommendation.

(2) If a party who requests a meeting during an investigation fails to attend the scheduled meeting without good cause, the investigation may be completed without a meeting with that party.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1989, Act 273, Imd. Eff. Dec. 26, 1989;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 1996, Act 365, Eff. Jan. 1, 1997;—Am. 2002, Act 571, Eff. June 1, 2003.

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552.507 Referee; designation by chief judge; powers; transcript of hearing; cost; de novo court hearing; request; interim order; review.

Sec. 7. (1) The chief judge may designate a referee as provided by the Michigan court rules.

(2) A referee may do all of the following:

(a) Hear all motions in a domestic relations matter, except motions pertaining to an increase or decrease in spouse support, referred to the referee by the court.

(b) Administer oaths, compel the attendance of witnesses and the production of documents, and examine witnesses and parties.

(c) Make a written, signed report to the court containing a summary of testimony given, a statement of findings, and a recommended order; or make a statement of findings on the record and submit a recommended order.

(d) Hold hearings as provided in the support and parenting time enforcement act, 1982 PA 295, MCL 552.601 to 552.650. The referee shall make a record of each hearing held.

(e) Accept a voluntary acknowledgment of support liability, and review and make a recommendation to the court concerning a stipulated agreement to pay support.

(f) Recommend a default order establishing, modifying, or enforcing a support obligation in a domestic relations matter.

(3) If ordered by the court, or if stipulated by the parties, a referee shall make a transcript, verified by oath, of each hearing held. The cost of preparing a transcript shall be apportioned equally between the parties, unless otherwise ordered by the court.

(4) The court shall hold a de novo hearing on any matter that has been the subject of a referee hearing, upon the written request of either party or upon motion of the court. The request of a party shall be made within 21 days after the recommendation of the referee is made available to that party.

(5) A hearing is de novo despite the court's imposition of reasonable restrictions and conditions to conserve the resources of the parties and the court if the following conditions are met:

(a) The parties have been given a full opportunity to present and preserve important evidence at the referee hearing.

(b) For findings of fact to which the parties have objected, the parties are afforded a new opportunity to offer the same evidence to the court as was presented to the referee and to supplement that evidence with evidence that could not have been presented to the referee.

(6) Subject to subsection (5), de novo hearings include, but are not limited to, the following:

(a) A new decision based entirely on the record of a previous hearing, including any memoranda, recommendations, or proposed orders by the referee.

(b) A new decision based only on evidence presented at the time of the de novo hearing.

(c) A new decision based in part on the record of a referee hearing supplemented by evidence that was not introduced at a previous hearing.

(7) Pending a de novo hearing, the referee's recommended order may be presented to the court for entry as an interim order as provided by the Michigan court rules. The interim order shall be served on the parties within 3 days and shall be subject to review as provided under this subsection.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1985, Act 208, Eff. Mar. 1, 1986;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 2004, Act 210, Eff. Oct. 1, 2004.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

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552.509 Duties of office regarding support payments; transition to state disbursement unit; providing statement of account to parties; initiating and carrying out proceedings to enforce order entered in domestic relations matter; enforcement orders entered in other state.

Sec. 9. (1) Except as otherwise provided in subsections (2) and (3), after a support order is entered in a friend of the court case, the office shall receive each payment and service fee under the support order; shall, not less than once each month, record each support payment due, paid, and past due; and shall disburse each support payment to the recipient of support within 14 days after the office receives each payment or within the federally mandated time frame, whichever is shorter.

(2) An office shall receive support order and service fee payments, and shall disburse support, as required by subsection (1) until the state disbursement unit implements support and fee receipt and disbursement for the cases administered by that office. At the family independence agency's direction and in cooperation with the SDU, an office shall continue support and fee receipt and support disbursement to facilitate the transition of that responsibility to the SDU as directed in, and in accordance with the transition schedule developed as required by, the office of child support act, 1971 PA 174, MCL 400.231 to 400.240.

(3) After SDU support and fee receipt and disbursement is implemented in a circuit court circuit, the office for that court may accept a support payment made in cash or by cashier's check or money order. If the office accepts such a payment, the office shall transmit the payment to the SDU and shall inform the payer of the SDU's location and the requirement to make payments through the SDU.

(4) Promptly after November 3, 1999, each office shall establish and maintain the support order and account records necessary to enforce support orders and necessary to record obligations, support and fee

receipt and disbursement, and related payments. Each office shall provide the SDU with access to those records and shall assist the SDU to resolve support and fee receipt and disbursement problems related to inadequate identifying information.

(5) The office shall provide annually to each party, without charge, 1 statement of account upon request. Additional statements of account shall be provided at a reasonable fee sufficient to pay for the cost of reproduction. Statements provided under this subsection are in addition to statements provided for administrative and judicial hearings.

(6) The office shall initiate and carry out proceedings to enforce an order in a friend of the court case regarding custody, parenting time, health care coverage, or support in accordance with this act, the support and parenting time enforcement act, and supreme court rules.

(7) Upon request of a child support agency of another state, the office shall initiate and carry out certain proceedings to enforce support orders entered in the other state without the need to register the order as a friend of the court case in this state. The order shall be enforced using automated administrative enforcement actions authorized under the support and parenting time enforcement act.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1995, Act 241, Eff. Mar. 28, 1996;—Am. 1996, Act 144, Eff. Mar. 25, 1996;—Am. 1996, Act 365, Eff. Jan. 1, 1997;—Am. 1998, Act 63, Eff. Aug. 10, 1998;—Am. 1999, Act 150, Imd. Eff. Nov. 3, 1999;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 210, Eff. Oct. 1, 2004.

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552.511 Initiating enforcement of support order and custody or parenting time order; procedure; arrearage; amnesty.

Sec. 11. (1) Except as provided in this section, each office shall initiate 1 or more support enforcement measures under the support and parenting time enforcement act when 1 of the following applies:

(a) Except as otherwise provided in this subdivision, the arrearage under the support order is equal to or greater than the monthly amount of support payable under the order. If the support order was entered ex parte, an office shall not initiate enforcement under this subdivision until the office receives a copy of proof of service for the order and at least 1 month has elapsed since the date of service. An office is not required to initiate enforcement under this subdivision if 1 or more of the following circumstances exist:

(i) Despite the existence of the arrearage, an order of income withholding is effective and payment is being made under the order of income withholding in the amount required under the order.

(ii) Despite the existence of the arrearage and even though an order of income withholding is not effective, payment is being made in the amount required under the order.

(iii) One or more support enforcement measures have been initiated and an objection to 1 or more of those measures has not been resolved.

(b) A parent fails to obtain or maintain health care coverage for the parent's child as ordered by the court. The office shall initiate enforcement under this subdivision at the following times:

(i) Within 60 days after the entry of a support order containing health care coverage provisions.

(ii) When a review is conducted as provided in section 17.

(iii) Concurrent with enforcement initiated by the office under subdivision (a).

(iv) Upon receipt of a written complaint from a party.

(v) Upon receipt of a written complaint from the department if the child for whose benefit health care coverage is ordered is a recipient of public assistance or medical assistance.

(c) A person legally responsible for the actual care of a child incurs an uninsured health care expense and submits to the office a written complaint that meets the requirements of section 11a.

(2) An arrearage amount that arises at the moment a court issues an order imposing or modifying support, because the order relates back to a petition or motion filing date, shall not be considered as an arrearage for the purpose of initiating support enforcement measures, centralizing enforcement, or other action required or authorized in response to a support arrearage under this act or the support and parenting time enforcement act, unless the payer fails to become current with the court ordered support payments within 2 months after entry of the order imposing or modifying support.

(3) An office shall not initiate a support enforcement measure to collect a payer's child support arrearage while the payer has amnesty for that arrearage under section 3b of the office of child support act, 1971 PA 174, MCL 400.233b.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1985, Act 208, Eff. Mar. 1, 1986;—Am. 1990, Act 297, Imd. Eff. Dec. 14, 1990;—Am. 1992, Act 288, Eff. Jan. 1, 1993;—Am. 1995, Act 241, Eff. Mar. 28, 1996;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am.

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FRIEND OF THE COURT ACT (EXCERPT)
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552.513 Domestic relations mediation; services; agreement; consent order; confidentiality of communications; minimum qualifications of mediator.

Sec. 13. (1) The office shall provide, either directly or by contract, domestic relations mediation to assist the parties in settling voluntarily a dispute concerning child custody or parenting time that arises in a friend of the court case. Parties shall not be required to meet with a domestic relations mediator. The service may be provided directly by the office only if such a service is in place on July 1, 1983, if the service is not available from a private source, or if the court can demonstrate that providing the service within the friend of the court office is cost beneficial. Any expansion of existing services provided by the court on July 1, 1983 shall be provided by an individual meeting the domestic relations mediator minimum qualifications listed under subsection (4).

(2) If an agreement is reached by the parties through domestic relations mediation, a consent order incorporating the agreement shall be prepared by an employee of the office who is a member of the state bar of Michigan; under section 22, by a member of the state bar of Michigan; or by the attorney for 1 of the parties. The consent order shall be provided to, and shall be entered by, the court.

(3) Except as provided in subsection (2), a communication between a domestic relations mediator and a party to a domestic relations mediation is confidential. The secrecy of the communication shall be preserved inviolate as a privileged communication. The communication shall not be admitted in evidence in any proceedings. The same protection shall be given to communications between the parties in the presence of the mediator.

(4) A domestic relations mediator who performs mediation under this act shall have all of the following minimum qualifications:

(a) One or more of the following:

(i) A license or a limited license to engage in the practice of psychology under parts 161 and 182 of the public health code, 1978 PA 368, MCL 333.16101 to 333.16349 and 333.18201 to 333.18237, or a master's degree in counseling, social work, or marriage and family counseling; and successful completion of the training program provided by the bureau under section 19(3)(b).

(ii) Not less than 5 years of experience in family counseling, preferably in a setting related to the areas of responsibility of the friend of the court and preferably to reflect the ethnic population to be served, and successful completion of the training program provided by the bureau under section 19(3)(b).

(iii) A graduate degree in a behavioral science and successful completion of a domestic relations mediation training program certified by the bureau with not less than 40 hours of classroom instruction and 250 hours of practical experience working under the direction of a person who has successfully completed a program certified by the bureau.

(iv) Membership in the state bar of Michigan and successful completion of the training program provided by the bureau under section 19(3)(b).

(b) Knowledge of the court system of this state and the procedures used in domestic relations matters.

(c) Knowledge of other resources in the community to which the parties to a domestic relations matter can be referred for assistance.

(d) Knowledge of child development, clinical issues relating to children, the effects of divorce on children, and child custody research.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 2002, Act 571, Eff. June 1, 2003.

Popular name: Friend of the Court

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552.515 Performance by mediator of certain functions involving party prohibited.

Sec. 15. An employee of the office who performs domestic relations mediation in a friend of the court case involving a particular party shall not perform referee functions, investigation and recommendation functions, or enforcement functions as to any domestic relations matter involving that party.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 2002, Act 571, Eff. June 1, 2003.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

552.517 Review of child support order after final judgment; notices and conduct of review; modification order; certain determinations requiring report; contents of report; petition for modification; scheduling of hearing; objection to determination of no change in order; petition to require dependent health care coverage; costs.

Sec. 17. (1) After a final judgment containing a child support order has been entered in a friend of the court case, the office shall periodically review the order, as follows:

(a) If a child is being supported in whole or in part by public assistance, not less than once each 36 months unless both of the following apply:

(i) The office receives notice from the department that good cause exists not to proceed with support action.

(ii) Neither party has requested a review.

(b) At the initiative of the office, if there are reasonable grounds to believe that the amount of child support awarded in the judgment should be modified or that dependent health care coverage is available and the support order should be modified to include an order for health care coverage. Reasonable grounds to review an order under this subdivision include temporary or permanent changes in the physical custody of a child that the court has not ordered, increased or decreased need of the child, probable access by an employed parent to dependent health care coverage, or changed financial conditions of a recipient of support or a payer including, but not limited to, application for or receipt of public assistance, unemployment compensation, or worker's compensation; or incarceration or release from incarceration after a criminal conviction and sentencing to a term of more than 1 year. Within 14 days after receiving information that a recipient of support or payer is incarcerated or released from incarceration as described in this subsection, the office shall initiate a review of the order. A review initiated by the office under this subdivision does not preclude the recipient of support or payer from requesting a review under subdivision (d).

(c) At the direction of the court.

(d) Upon receipt of a written request from either party. Within 14 days after receipt of the review request, the office shall determine whether the order is due for review. The office is not required to investigate more than 1 request received from a party each 36 months.

(e) If a child is receiving medical assistance, not less than once each 36 months unless either of the following applies:

(i) The order requires provision of health care coverage for the child and neither party has requested a review.

(ii) The office receives notice from the family independence agency that good cause exists not to proceed with support action and neither party has requested a review.

(f) If requested by the initiating state for a recipient of services in that state under title IV-D, not less than once each 36 months. Within 14 days after receipt of a review request, the office shall determine whether an order is due for review.

(2) Within 180 days after determining that a review is required under subsection (1), the office shall send notices as provided in section 17b, conduct a review, and obtain a modification of the order if appropriate.

(3) The office shall use the child support formula developed by the bureau under section 19 in calculating the child support award.

(4) The office shall petition the court if modification is determined to be necessary unless either of the following applies:

(a) The difference between the existing and projected child support award is within the minimum threshold for modification of a child support amount as established by the formula.

(b) The court previously determined that application of the formula was unjust or inappropriate and the office determines that the facts of the case and the reasons and amount of the prior deviation remain unchanged.

(5) The notice under section 17b(3) constitutes a petition for modification of the support order and shall be filed with the court.

(6) If the office determines there should be no change in the order and a party objects to the determination in writing to the office within 21 days after the date of the notice provided for in section 17b(3), the office shall schedule a hearing before the court.

(7) If a support order lacks provisions for health care coverage, the office shall petition the court for a modification to require that 1 or both parents obtain or maintain health care coverage for the benefit of each child who is subject to the support order if either of the following is true:

(a) Either parent has health care coverage available, as a benefit of employment, for the benefit of the child at a reasonable cost.

(b) Either parent is self-employed, maintains health care coverage for himself or herself, and can obtain health care coverage for the benefit of the child at a reasonable cost.

(8) The office shall determine the costs to each parent for dependent health care coverage and child care costs and shall disclose those costs in the recommendation under section 17b(3).

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1994, Act 37, Imd. Eff. Mar. 7, 1994;—Am. 2002, Act 571, Eff. June 1, 2003;—Am. 2004, Act 207, Eff. June 30, 2005.

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FRIEND OF THE COURT ACT (EXCERPT)
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552.519 State friend of the court bureau; creation; supervision and direction; main office; duties; state advisory committee; report or recommendation; reimbursement for expenses; meetings; assistance.

Sec. 19. (1) The state friend of the court bureau is created within the state court administrative office, under the supervision and direction of the supreme court.

(2) The bureau shall have its main office in Lansing.

(3) The bureau shall do all of the following:

(a) Develop and recommend guidelines for conduct, operations, and procedures of the office and its employees, including, but not limited to, the following:

(i) Case load and staffing standards for employees who perform domestic relations mediation functions, investigation and recommendation functions, referee functions, enforcement functions, and clerical functions.

(ii) Orientation programs for clients of the office.

(iii) Public educational programs regarding domestic relations law and community resources, including financial and other counseling, and employment opportunities.

(iv) Procedural changes in response to the type of grievances received by an office.

(v) Model pamphlets and procedural forms, that shall be distributed to each office.

(vi) A formula to be used in establishing and modifying a child support amount and health care obligation. The formula shall be based upon the needs of the child and the actual resources of each parent. The formula shall establish a minimum threshold for modification of a child support amount. The formula shall consider the child care and dependent health care coverage costs of each parent. The formula shall include guidelines for setting and administratively adjusting the amount of periodic payments for overdue support, including guidelines for adjustment of arrearage payment schedules when the current support obligation for a child terminates and the payer owes overdue support.

(b) Provide training programs for the friend of the court, domestic relations mediators, and employees of the office to better enable them to carry out the duties described in this act and supreme court rules. After September 30, 2002, the training programs shall include training in the dynamics of domestic violence and in handling domestic relations matters that have a history of domestic violence.

(c) Gather and monitor relevant statistics.

(d) Annually issue a report containing a detailed summary of the types of grievances received by each office, and whether the grievances are resolved or outstanding. The report shall be transmitted to the legislature and to each office and shall be made available to the public. The annual report required by this subdivision shall include, but is not limited to, all of the following:

(i) An evaluative summary, supplemented by applicable quantitative data, of the activities and functioning of each citizen advisory committee during the preceding year.

(ii) An evaluative summary, supplemented by applicable quantitative data, of the activities and functioning of the aggregate of all citizen advisory committees in the state during the preceding year.

(iii) An identification of problems that impede the efficiency of the activities and functioning of the citizen advisory committees and the satisfaction of the users of the committees' services.

(e) Develop and recommend guidelines to be used by an office in determining whether or not parenting time has been wrongfully denied by the custodial parent.

(f) Develop standards and procedures for the transfer of part or all of the responsibilities for a case from one office to another in situations considered appropriate by the bureau.

(g) Certify domestic relations mediation training programs as provided in section 13.

(h) Establish a 9-person state advisory committee, serving without compensation except as provided in subsection (4), composed of the following members, giving preference to a member of a citizen advisory committee:

- (i) Three public members who have had contact with an office of the friend of the court.
- (ii) Three attorneys who are members of the state bar of Michigan and whose practices are primarily domestic relations law. Not more than 1 attorney may be a circuit court judge.
- (iii) Three human service professionals who provide family counseling.
- (i) Cooperate with the office of child support in developing and implementing a statewide information system as provided in the office of child support act, 1971 PA 174, MCL 400.231 to 400.240.
- (j) Develop and make available guidelines to assist the office of the friend of the court in determining the appropriateness in individual cases of the following:
 - (i) Imposing a lien or requiring the posting of a bond, security, or other guarantee to secure the payment of support.
 - (ii) Implementing the offset of a delinquent payer's state income tax refund.
- (k) Develop and provide the office of the friend of the court with all of the following:
 - (i) Form motions, responses, and orders for use by an individual in requesting the court to modify his or her child support, custody, or parenting time order, or in responding to a motion for modification without the assistance of legal counsel.
 - (ii) Instructions on preparing and filing the forms, instructions on service of process, and instructions on scheduling a support, custody, or parenting time modification hearing.
 - (iii) Guidelines for imputing income for the calculation of child support.
- (l) Develop guidelines for, and encourage the use of, plain language within the office of the friend of the court including, but not limited to, the use of plain language in forms and instructions within the office and in statements of account provided as required in section 9.
- (m) In consultation with the domestic violence prevention and treatment board created in section 2 of 1978 PA 389, MCL 400.1502, develop guidelines for the implementation of section 41 of the support and parenting time enforcement act, MCL 552.641, that take into consideration at least all of the following regarding the parties and each child involved in a dispute governed by section 41 of the support and parenting time enforcement act, MCL 552.641:
 - (i) Domestic violence.
 - (ii) Safety of the parties and child.
 - (iii) Uneven bargaining positions of the parties.
- (4) The state advisory committee established under subsection (3)(h) shall advise the bureau in the performance of its duties under this section. The bureau shall make a state advisory committee report or recommendation available to the public. State advisory committee members shall be reimbursed for their expenses for mileage, meals, and, if necessary, lodging, under the schedule for reimbursement established annually by the legislature. A state advisory committee meeting is open to the public. A member of the public attending a state advisory committee meeting shall be given a reasonable opportunity to address the committee on any issue under consideration by the committee. If a vote is to be taken by the state advisory committee, the opportunity to address the committee shall be given before the vote is taken.
- (5) The bureau may call upon each office of the friend of the court for assistance in performing the duties imposed in this section.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1985, Act 208, Imd. Eff. Jan. 8, 1986;—Am. 1987, Act 197, Imd. Eff. Dec. 14, 1987;—Am. 1994, Act 37, Imd. Eff. Mar. 7, 1994;—Am. 1996, Act 144, Imd. Eff. Mar. 25, 1996;—Am. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 1998, Act 63, Eff. Aug. 10, 1998;—Am. 2001, Act 193, Eff. Oct. 1, 2002;—Am. 2002, Act 569, Eff. Dec. 1, 2002;—Am. 2004, Act 207, Eff. June 30, 2005.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.521 Person appointed as friend of the court under former act; continuation; transfer of files, records, funds, and pending cases of office under former act; employees of friend of the court appointed under former act to become employees of corresponding office; employees of state judicial council serving in third judicial circuit to continue in present positions.

Sec. 21. (1) Each person appointed as friend of the court under former Act No. 412 of the Public Acts of 1919 who is serving in that position on the day before the effective date of this act shall continue to serve in that position, as reconstituted by this act.

(2) All files, records, funds, and pending cases of an office of the friend of the court under former Act No. 412 of the Public Acts of 1919 are transferred to the corresponding office as reconstituted by this act.

(3) Except in the county of Wayne, the employees of a friend of the court appointed under former Act No. 412 of the Public Acts of 1919 shall become employees of the corresponding office of the friend of the court as reconstituted by this act, in similar positions, and with salary ranges and benefits not inferior to their status under former Act No. 412 of the Public Acts of 1919. In the county of Wayne the employees of the state judicial council serving in the court in the third judicial circuit and supervised by the friend of the court on the day before the effective date of this act shall continue in their present positions.

History: 1982, Act 294, Eff. July 1, 1983.

Compiler's note: Act 412 of 1919, referred to in this section, was repealed by Act 294 of 1982.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.522 Appointment of attorney to assist friend of the court; compensation; payment.

Sec. 22. If the friend of the court serving a judicial circuit is not an attorney who is a member of the state bar of Michigan and that office does not employ such an attorney, the chief judge may appoint an attorney who is a member of the state bar of Michigan to assist the friend of the court when legal assistance is necessary to carry out the duties imposed in this act. An attorney appointed under this section to assist an office shall be compensated in a reasonable amount, based upon time and expenses, to be determined by the county board or boards of commissioners of the judicial circuit served by that office. If the judicial circuit is one in which the employees serving in the circuit court are employees of the state judicial council, the compensation of an attorney appointed under this section shall be paid by the state and fixed by the state judicial council as provided in section 9104 of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.9104 of the Michigan Compiled Laws.

History: 1982, Act 294, Eff. July 1, 1983.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.523 Vacancy; appointment of person to position of friend of the court or interim friend of the court; experience or education.

Sec. 23. (1) If the position of friend of the court becomes vacant for any reason, the chief judge shall appoint a person to the position of friend of the court not later than 6 months after the vacancy occurs. An appointment under this subsection is not effective until approved by a majority of the circuit, probate, and district court judges serving in all districts that have any area in common with the geographic area served by that friend of the court.

(2) If necessary, the chief judge may appoint an interim friend of the court to serve for not longer than 6 months until a friend of the court is appointed and approved under subsection (1).

(3) A friend of the court appointed under this section is an at-will employee and shall demonstrate experience or education in 1 or more of the following areas:

(a) A human service or behavioral science field.

(b) Family law.

(c) Administration.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.524 Annual review of performance record of friend of the court; public notice and comments; written evaluation; written response; copies.

Sec. 24. (1) The chief judge annually shall review the performance record of each friend of the court serving that circuit to determine whether the friend of the court is guilty of misconduct, neglect of statutory duty, or failure to carry out written orders of the court relative to a statutory duty; whether the purposes of this act are being met; and whether the duties of the friend of the court are being carried out in a manner that reflects the needs of the community being served. Public notice of the annual review shall be given.

(2) Members of the public may submit written comments to the chief judge or county board relating to the criteria in subsection (1). The citizen advisory committee may advise the court and the county board regarding the criteria in subsection (1). The court shall prepare a written evaluation, which shall include a summary of

any public comments received and of any citizen advisory committee report or recommendation. The court and county board may also, in a written response, address the recommendation of the citizen's advisory committee concerning the general operations of the citizen's advisory committee. The friend of the court and the bureau shall each receive a copy of the evaluation. The friend of the court shall have an opportunity to make a written response to the evaluation. A copy of the response shall be included with the evaluation.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT) Act 294 of 1982

552.525 Removal of friend of the court; approval.

Sec. 25. The chief judge may remove the friend of the court. A removal under this section is not effective until approved by a majority of the circuit, probate, and district court judges serving in all districts that have an area in common with the geographic area served by that friend of the court.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT) Act 294 of 1982

552.526 Grievance procedure; records; public access to report of grievances; powers and duties of citizen advisory committee.

Sec. 26. (1) A party to a friend of the court case who has a grievance concerning office operations or employees shall utilize the following grievance procedure:

(a) File the grievance, in writing, with the appropriate friend of the court office. The office shall cause the grievance to be investigated and decided as soon as practicable. Within 30 days after a grievance is filed, the office shall respond to the grievance or issue a statement to the party filing the grievance stating the reason a response is not possible within that time.

(b) A party who is not satisfied with the decision of the office under subdivision (a) may file a further grievance, in writing, with the chief judge. The chief judge shall cause the grievance to be investigated and decided as soon as practicable. Within 30 days after a grievance is filed, the court shall respond to the grievance or issue a statement to the party filing the grievance stating the reason a response is not possible within that time.

(2) Each office shall maintain a record of grievances received and a record of whether the grievance is decided or outstanding. The record shall be transmitted not less than biannually to the bureau. Each office shall provide public access to the report of grievances prepared by the bureau under section 19.

(3) In addition to the grievance procedure provided in subsection (1), a party to a friend of the court case who has a grievance concerning office operations may file, at any time during the proceedings, the grievance in writing with the appropriate citizen advisory committee. In its discretion, the citizen advisory committee shall conduct a review or investigation of, or hold a formal or informal hearing on, a grievance submitted to the committee. The citizen advisory committee may delegate its responsibility under this subsection to subcommittees appointed as provided in section 4a.

(4) In addition to action taken under subsection (3), the citizen advisory committee shall establish a procedure for randomly selecting grievances submitted directly to the office of the friend of the court. The citizen advisory committee shall review the response of the office to these grievances and report its findings to the court and the county board, either immediately or in the committee's annual report.

(5) The citizen advisory committee shall examine the grievances filed with the friend of the court under this section and shall review or investigate each grievance that alleges that a decision was made based on gender rather than the best interests of the child.

(6) If a citizen advisory committee reviews or investigates a grievance, the committee shall respond to the grievance as soon as practicable.

(7) A grievance filed under subsection (3) is limited to office operations, and the citizen advisory committee shall inform an individual who files with the committee a grievance that concerns an office employee or a court or office decision or recommendation regarding a specific case that such a matter is not a proper subject for a grievance.

History: 1982, Act 294, Eff. July 1, 1983;—Am. 1996, Act 366, Eff. Jan. 1, 1997;—Am. 2002, Act 571, Eff. June 1, 2003.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.527 Compensation and expenses of friend of the court and employees.

Sec. 27. (1) Except as provided in subsections (2) and (3), the compensation and expenses of the friend of the court for each judicial circuit and of the employees of the office and all operating expenses incurred by the office shall be fixed by the chief judge as provided in section 591 of the revised judiciary act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.591 of the Michigan Compiled Laws. The compensation and expenses shall be paid by the county treasurer from the general fund, and the friend of the court fund created under section 2530 of the revised judiciary act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.2530 of the Michigan Compiled Laws, of the county or counties served.

(2) In the third judicial circuit the compensation of the friend of the court and the employees of the state judicial council serving in the third judicial circuit and supervised by the friend of the court shall be paid by the state and shall be fixed as provided in sections 592 and 9104 of the revised judiciary act of 1961, Act No. 236 of the Public Acts of 1961, being sections 600.592 and 600.9104 of the Michigan Compiled Laws. Pursuant to section 595(1) of Act No. 236 of the Public Acts of 1961, being section 600.595 of the Michigan Compiled Laws, the state shall maintain and operate the office of the friend of the court as the successor to the friend of the court appointed under former Act No. 412 of the Public Acts of 1919.

(3) In any other judicial circuit in which employees serving in the circuit court are employees of the state judicial council, the compensation of the friend of the court and the employees of the state judicial council serving in that judicial circuit and supervised by the friend of the court shall be paid by the state and shall be fixed as provided in section 9104 of the revised judiciary act of 1961, Act No. 236 of the Public Acts of 1961.

History: 1982, Act 294, Eff. July 1, 1983.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.533 Repeal of §§ 552.251 to 552.255.

Sec. 33. Act No. 412 of the Public Acts of 1919, as amended, being sections 552.251 to 552.255 of the Michigan Compiled Laws of 1970, is repealed.

History: 1982, Act 294, Eff. July 1, 1983.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.534 Conditional effective date.

Sec. 34. This act shall not take effect unless the following House Bills of the 81st Legislature are enacted into law:

(a) House Bill No. 4871.

(b) House Bill No. 4873.

(c) House Bill No. 5257.

History: 1982, Act 294, Eff. July 1, 1983.

Compiler's note: The following House Bills, referred to in this section, were enacted into law as follows:

House Bill No. 4871 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 295, Eff. July 1, 1983.

House Bill No. 4873 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 296, Eff. July 1, 1983.

House Bill No. 5257 was approved by the Governor on October 9, 1982, and became P.A. 1982, No. 297, Eff. July 1, 1983.

Popular name: Friend of the Court

FRIEND OF THE COURT ACT (EXCERPT)

Act 294 of 1982

552.535 Effective date.

Sec. 35. Except as provided in section 34, this act shall take effect July 1, 1983.

History: 1982, Act 294, Eff. July 1, 1983.

Popular name: Friend of the Court